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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hughes Electronics Corporation
Patent Docket Administration
P.O. Box 956
Bldg. 001, Mail Station A109
El Segundo, CA 90245-0956

EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,219

Applicant(s)

DILLON, DOUGLAS M.

Examiner

Gregory G Todd

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 172-198 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 172-198 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a first office action in response to application filed, with the above serial number, on 08 May 2001, a divisional application from parent 09/049,334, which claims priority from provisional application 60/063,692 filed 27 October 1997 in which claims 172-191 are presented for examination. Claims 172-191 are therefore pending in the application.

Specification

2. The attempt to incorporate subject matter into this application by reference to 08/795,505 is improper because the patent/application is owned by a different assignee, contrary to the same assignee as declared. Further, all application numbers are required to have their associated patent number, if applicable, as well as the current status of the applications.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 183 is objected to because of the following informalities: The claim does not conclude with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 189 recites the limitation " the web crawler difference " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 172-181 are rejected under 35 U.S.C. 102(b) as being anticipated by Monteiro et al (hereinafter "Monteiro", 5,778,187).

As per Claim 172, Monteiro teaches a system for multicasting URL data items from web sites to a plurality of receivers, comprising:

a web crawler for retrieving URL data items from the web sites and formatting the retrieved URL data items into packages (at least col. 2 line 57 - col. 3 line 16; streams and information obtained by network control center);

a package delivery subsystem for receiving the packages from the web crawler, fragmenting the packages into packets and transmitting the packets to a multicast network (at least col. 5, lines 19-64; primary servers compressing and making packets for transmitting to media servers); and

a conditional access system for determining which receivers are authorized to receive the packets, wherein the multicast network multicasts the packets only to authorized receivers (at least col. 5 line 65 - col. 6 line 55; multicasting to users subscribed to channel).

As per Claim 173. The system of claim 172, wherein the web crawler retrieves URL data items from the web sites according to a predetermined channel definition (at least col. 17, lines 4-35).

As per Claim 174. The system of claim 172, wherein the multicast network multicasts an electronic program guide to each receiver, and wherein the electronic program guide contains descriptions of the web sites from which URL data items were retrieved (at least col. 17, lines 4-19).

As per Claim 175. The system of claim 174, wherein a receiver uses the electronic program guide to subscribe to selected web sites and the system further comprises a

registration server for tracking subscription information (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 176. The system of claim 175, wherein the registration server provides the subscription information to the package delivery subsystem (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 177. The system of claim 172, further comprising a cache hit tracker which receives usage reports from the receivers, wherein the usage reports contain information identifying which URL data items, from the set of URL data items received by the receiver were accessed by a user (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 178. The system of claim 177, wherein the cache hit tracker stores the usage reports in hit log files (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 179. The system of claim 178, wherein the cache hit tracker provides the hit log files to the web sites from which the URL data items were retrieved (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 180. The system of claim 172, wherein the multicast network multicasts the packets to the receiver over a one-way high speed link (at least col. 4, lines 25-27; satellite).

As per Claim 181. The system of claim 180, wherein the high speed link comprises a satellite link (at least col. 4, lines 25-27; satellite).

9. Claims 197-198 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlman et al (hereinafter "Perlman", 5,978,381).

As per Claim 197, Perlman teaches an apparatus comprising:

a caching HTTP proxy server which processes a HTTP request for a URL and either responds to such a request with a URL data item from its cache or with a URL data item received upon request from a web server hosting the URL (at least col. 7, lines 15-60; col. 10, lines 5-63; cache downloading non-previously downloaded content); and

a multicast loader which receives one or more URL data items via IP multicast and loads the received multicast URL data items into said HTTP proxy server's cache (at least col. 7, lines 15-60; col. 10, lines 5-63; multicasting cached content).

Claim 198 does not add or define any additional limitations over claim 197 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 182-183 and 192-196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro in view of Hunt et al (hereinafter "Hunt", 5,893,091).

As per Claim 182, Monteiro teaches a system for multicasting content organized into channels to a plurality of receivers, wherein a channel's content includes a plurality of data items from at least one web site, comprising:

a web crawler for retrieving the URL data items from the web site via a TCP/IP network and formatting the retrieved URL data items into packages (at least col. 2 line 57 - col. 3 line 16; streams and information obtained by network control center);

a package delivery subsystem for receiving the packages from the web crawler and fragmenting the packages into packets (at least col. 5, lines 19-64; primary servers compressing and making packets for transmitting to media servers);

a conditional access system for determining which receivers are authorized to receive the packets (at least col. 5 line 65 - col. 6 line 55; multicasting to users subscribed to channel); and

a multicast network for receiving the packets from the package delivery subsystem (at least col. 5 line 65 - col. 6 line 55; multicasting to users subscribed to channel), wherein the multicast network multicasts the packets to the authorized receivers, and wherein the authorized receivers store the packets in a memory (at least col. 5 line 65 - col. 6 line 55; multicasting to users subscribed to channel).

Monteiro fails to explicitly have the server encrypt the packets and subsequently have the user decrypt the packets. However, the use and advantages for using such encryption is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Hunt (at least col. 11, lines 25-35; col. 13, lines 31-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the use of Hunt's encryption techniques into Monteiro's system as this would, as Hunt suggests, prevent unauthorized monitoring of subscriber and user's channel and also secure the contents of the transmission, as it is well known in the art that audio and video, for example, is desired to be secure to prevent unauthorized use.

As per Claim 183. The system of claim 182, wherein the web crawler compresses a subset of the retrieved URL data items, and wherein each URL data item is compressed individually independent of other URL content such that the receiver can decompress each URL data item without decompressing other URL data items (at least col. 5, lines 1-30).

As per Claim 192. The system of claim 182, wherein each receiver comprises a content viewer for allowing a user to access the stored URL data items (at least Monteiro Fig. 18).

As per Claim 193. The system of claim 192, further comprising a cache-hit tracker which receives usage reports from the receivers, wherein the usage reports contain information identifying which URL data items, from the set of stored URL data items, was accessed by a user (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 194. The system of claim 193, wherein the cache hit tracker provides the usage reports to the web sites from which the accessed URL data items were retrieved (at least col. 16, lines 28-41; col. 3, lines 41-54; col. 8, lines 37-50).

As per Claim 195. The system of claim 182, wherein the TCP/IP network comprises the Internet (at least col. 2, lines 57-64).

As per Claim 196. The system of claim 182, wherein the multicast network multicasts the packets to the receiver over a one-way high-speed link (at least col. 4, lines 25-27; satellite).

12. Claims 184-191 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro in view of Hunt and further in view of Perlman et al (hereinafter "Perlman"; 5,978,381).

As per Claim 184. Monteiro and Hunt fail to explicitly teach wherein the web crawler assembles a base package containing each URL data item in the channel and subsequently assembles a delta package containing URL data items which have changed or are new since the previous assembling of the base package. However, the use and advantages for using such a cache is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of (at least col. 7, lines 15-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Perlman's caching system into Monteiro and Hunt's system as this is a well known technique for a cache to recognize URL items that have changed over time.

As per Claim 185. The system of claim 184, wherein the web crawler assembles the base packages and delta packages according to a schedule (at least Perlman col. 7, lines 15-61; col. 9, lines 34-46).

As per Claim 186. The system of claim 184, wherein the multicast network multicasts the base packages and the delta packages according to a schedule (at least Perlman col. 7, lines 15-61; col. 9, lines 34-46).

As per Claim 187. The system of claim 186, wherein the base packages are scheduled for multicasting at a time when the receiver is not likely to be in use for other applications (at least Perlman col. 7, lines 15-61; col. 9, lines 34-46; off-peak).

As per Claim 188. The system of claim 184, wherein the web crawler compresses a subset of the retrieved URL data items, and wherein each URL data item is compressed individually independent of other URL content such that the receiver can decompress each URL data item without decompressing other URL data items (at least Monteiro col. 5, lines 1-30).

As per Claim 189. The system of claim 188, wherein the web crawler difference compresses a subset of the URL data items that are present in both the delta package and the previous base package (at least Monteiro col. 5, lines 1-30).

As per Claim 190.

Monteiro and Hunt teach compression of certain URL data items (at least Monteiro col. 5, lines 1-30) and along with Perlman's use of selectively downloading non-previously cached content (at least Perlman col. 7, lines 38-61), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Perlman's selective downloading of content to cache proxy servers into Monteiro and Hunt's system as it would be obvious to compress only the new content and not compress the old content again.

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As per Claim 191. The system of claim 184, wherein the web crawler assembles a second delta package which contains URL data items which have changed since the assembling of the previous delta package (at least Perlman col. 7, lines 15-61; col. 9, lines 34-46).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sampat et al is cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd

Patent Examiner

Technology Center 2100


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100